

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CRAIG THOMAS BATES,

Plaintiff,

v.

Case No. 10-CV-00576

**NURSE JANE DOE, and
DOCTOR JOHN DOE,**

Defendants.

ORDER

On January 27, 2012, I granted defendant Hanns Freidel's motion for summary judgment. Also, because it is the court's duty to assist pro se plaintiffs in determining the identities of unnamed defendants, Donald v. Cook County Sheriff's Dep't, 95 F.3d 548, 555 (7th Cir. 1996), I directed counsel for Freidel to provide the court with any documents or information they had regarding the identity of Nurse Jane Doe or Doctor John Doe, including but not limited to plaintiff's medical records from the Racine County Jail.

Counsel for Freidel represented that he made no attempt to identify Nurse Jane Doe or Doctor John Doe and possessed no information regarding them other than plaintiff's medical records from the jail. Counsel filed the medical records from the jail under seal, as directed, so that plaintiff's personal information would not be placed on the public docket.

I have reviewed the medical records provided and will provide plaintiff with a copy. The records confirm an April 2, 2010, assessment by a LPN and an appointment with a doctor four days later, on April 6, 2010. The name of the LPN is not legible, but the doctor is Stephen A. Cullinan, MD. The medical records suggest that both of these defendants are employees of Correctional Health Companies who work at the Racine County Jail.

At this time, I will order the substitution of Stephen A. Cullinan, M.D. for Doctor John Doe and direct the United States Marshal to serve him with plaintiff's amended complaint. Once defendant Cullinan files an answer or otherwise appears in this case, plaintiff shall promptly use discovery to identify Nurse Jane Doe, the LPN who saw plaintiff on April 2, 2010. When plaintiff has learned her identity, he should move to amend the caption to substitute her name for Nurse Jane Doe so that she also can be served.

THEREFORE, IT IS ORDERED that the Clerk of Court provide plaintiff with a copy of the medical records submitted by counsel for Hanns Freidel.

IT IS FURTHER ORDERED that Stephen A. Cullinan, M.D. will be substituted for defendant Doctor John Doe on the docket and in the caption of this case.

IT IS FURTHER ORDERED that the United States Marshal shall serve a copy of the amended complaint, the summons, the screening order entered April 13, 2011, and this order upon defendant Stephen A. Cullinan, M.D., pursuant to Fed. R. Civ. P. 4. Plaintiff is advised that Congress requires the U.S. Marshals Service to charge for making or attempting such service. 28 U.S.C. § 1921(a). The current fee for waiver-of-service packages is \$8.00 per item mailed. The full fee schedule is provided at 28 C.F.R. §§ 0.114(a)(2), (a)(3). Although Congress requires the court to order service by the U.S. Marshals Service precisely because in forma pauperis plaintiffs are indigent, it has not made any provision for these fees to be waived either by the court or by the U.S. Marshals Service.

Dated at Milwaukee, Wisconsin, this 21st day of March, 2012.

s/

LYNN ADELMAN
District Judge